

APPENDIX H SPECIAL USE PERMITS

Section 310 of the National Marine Sanctuaries Act (16 U.S.C. § 1441; NMSA) allows the Secretary of Commerce (delegated to the National Marine Sanctuary Program (NMSP)) to issue special use permits to authorize the conduct of specific activities in a sanctuary if such authorization is necessary (1) to establish conditions of access to and use of any sanctuary resource or (2) to promote public use and understanding of a sanctuary resource. Special use permits are generally issued for concessionaire-type activities and other commercial activities that require access to the sanctuary to achieve a desired goal.

Public notice

The NMSA requires, among other things, the NMSP to provide “appropriate public notice before identifying any category of activity subject to a special use permit” (see section 310(b) of the NMSA). To comply with this directive from Congress, the NMSP has issued a *Federal Register* notice that describes the types of activities for which it can require the issuance of a special use permit (67 FR 35501). To qualify for a special use permit, an activity must be among those listed in this notice. The notice lists the following activities:

- A. The disposal of cremated human remains by a commercial operator in any national marine sanctuary;
- B. The operation of aircraft below the minimum altitude in restricted zones of national marine sanctuaries for commercial purposes;
- C. The placement and subsequent recovery of objects associated with public events on non-living substrate of the seabed;
- D. The discharge and immediate recovery of objects related to special effects of motion pictures; and
- E. The continued presence of submarine cables beneath or on the seabed.

If a proposed activity does not fall within the description of one of the types of activities for which NMSP has provided public notice, NMSP would need to publish a new *Federal Register* notice and solicit public comments on the use of special use permits for the type of activity proposed prior to issuing a permit.

Terms of special use permits

The NMSA provides four conditions on special use permits. The NMSA requires that special use permits:

- A. Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;
- B. Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

- C. Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and
- D. Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

Permit fees

The NMSA allows the NMSP to assess and collect fees for the conduct of any activity under a special use permit. If it is assessed, the amount of the fee is calculated by adding all of the following.

- A. The costs incurred, or expected to be incurred, by the Secretary in issuing the permit;
- B. The costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and
- C. An amount that represents the fair market value of the use of the sanctuary resource.

Information requirements

Applicants for special use permits should submit all of the information requested in the standard guidance for NMSP permit applications given in this document. In addition, the following will also be required:

- A. Comprehensive Liability Insurance. Applicants will be required to purchase and maintain comprehensive general liability insurance, or to post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims. Applicants should show proof of such insurance with the rest of the application materials.
- B. Annual financial report. Most permits require some form of reporting. Special use permit recipients are also required to submit financial reports on or before December 31 of each year the permit is valid. These reports should detail the activities conducted under the permit during the reporting year and any revenues derived from those activities.

APPENDIX I

ARCHEOLOGICAL RESEARCH PERMITS

The following guidelines have been prepared for applicants proposing to conduct activities involving historical resources of the National Marine Sanctuary System (including submerged cultural resources, maritime heritage resources, and submerged archaeological resources). These guidelines have been prepared in compliance with the Federal Archaeological Program laws, regulations and guidelines including the—

- A. Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation;
- B. Abandoned Shipwreck Act Final Guidelines (55 FR 233, December 4, 1990);
- C. Archaeological Resources Protection Act of 1979;
- D. Final Uniform Regulations on Protection of Archeological Resources (43 CFR Part 7); and
- E. Programmatic agreements involving archeological resources and/or historical resource management.

The primary purpose of these guidelines is to assist potential permit applicants in submitting their application materials to the NMSP for consideration. While some of the information requirements described in the standard guidelines for permits and authorizations applies to permits for historical resources, much of the required information is different. Applications of this type should adhere to the following guidance instead.

I. Cover Sheet – The cover sheet shall identify:

- A. Title of project (e.g., "Survey of the USS *Alligator*");
- B. Applicant's name, address, telephone number, and affiliation;
- C. Name, address, affiliation, and of other key personnel;
- D. Proposed date of project and anticipated duration;
- E. Demonstrate reasonable ability to fund each phase of intended investigation covered by the permit.
- F. Glossary/key words.

II. Project Summary – The applicant should provide a 250-word (maximum) summary of the project including a brief statement of research objectives, scientific methods to be used, and the significance of the proposed work to the established management plan goals of the sanctuary. Also include a chart that shows the location and the latitude and longitude of the proposed work area.

III. Technical Information – The applicant should provide clear, concise, and complete statements for the following information. Documentation and excavation must follow standard archaeological methodology. Please note that an archaeological survey must be conducted on a site before a Research/Recovery Permit can be issued (See section VIII of this appendix).

- A. Research Plan. A research plan describing in detail the specific research objectives and goals (methodologies should be addressed in the Operational Plan - see below). The plan should include a description of:

1. The archaeological goals and methods to be employed;
 2. The problems toward which the research will be directed (i.e., what questions will this research answer); and
 3. The ways in which other researchers have sought to answer them.
- B. Project Significance. The applicant should discuss significant previous research in the area of interest and how the proposed effort may enhance or contribute to improving the state of knowledge of history, anthropology or archaeology. Explain why the proposed effort should be performed in the sanctuary and any potential benefits that might be imparted to the public's interest and to sanctuary resources protection and management. Discuss potential benefits that might result from the addition of artifacts to the pool of artifacts available for display. Discuss how the project may provide public access to artifacts embedded in submerged lands and not able to be directly examined or physically displayed to the public without removal.
- C. Operational Plan. The applicant should describe the tasks required to accomplish the project's objectives. Describe the proposed methods to be used for site documentation, excavation, recovery and the storage of artifacts and related materials on site and at the storage lab. Describe the rationale for selecting the proposed methods over any alternative methods.
- D. Required Reports and Recordkeeping. If a permit is issued the following reports will be required (See sections VII and VIII of this appendix):
1. Seasonal Reports.
 2. Final Project Report.
 3. Artifact Conservation Report.
 4. Project Log - Master copies of standard logbook sheets shall be supplied to the permittee who shall make sufficient copies and fill them out on a daily basis. Copies of all completed field logs must be turned over to NMSP following the completion of the project.
 5. Artifact Log - An Artifact Log should be kept at the site and in the storage lab. Each artifact will be assigned a Field Number. A description of the artifact, archaeological provenience data and the recorder's name and the date should be recorded in the log. A copy of the Artifact Log will be turned over to the NMSP at the completion of the project.
 6. Photographs and Videotapes - Applicant should provide photographs and/or videotapes (optional) of significant individual site features and/or artifact clusters both in situ and after removal. Images should include photo scale, north arrow and date/site name board.
- E. Artifact Handling Plan. The applicant should provide an Artifact Handling Plan that includes the following:
1. Artifact removal – Discuss techniques for removal of various types of artifacts expected to be encountered. Specifically address types of artifacts requiring special care such as glass or ceramics and organic artifacts such as rope, leather, textiles, and other fragile objects.

2. Artifact processing – Discuss plans for artifact storage between the field and conservation lab. Discuss proposed artifact inventory methodology. Each artifact should be tagged with a Field Catalogue Number to be assigned as soon as it is removed from the water at the site. Additional tags bearing accession numbers may be assigned and affixed by the NMSP. In this case, NMSP will maintain public records linking the original Field Catalogue Number and any additional numbers assigned.
 3. Unique or valuable artifacts should be photographed from two perspectives with a bar scale, date and the Catalogue Number tag prominently displayed. The Field Catalogue Number tag should be sturdy and waterproof and should be attached to the artifact in a non-destructive manner so as to accompany the artifact through storage and the conservation process. Bulk or highly repetitive artifacts, such as coins, musket balls, pottery shards, etc. need not be photographed individually, but should be photographed in groups with the artifact tag number containing the Field Catalogue number visible.
- F. Conservation Plan. The applicant should provide a detailed plan for the conservation of artifacts. Include methods of conservation and intended processes. The Conservation Plan should include:
1. Conservation methodology - Discuss the methods of conservation and the intended processes for each class of artifact (i.e. ceramic, wood, other organic materials, ferrous metal, and non-ferrous metal);
 2. Conservation equipment - Describe the conservation facility or facilities;
 3. Storage space - Describe the conservation facility's location and size of the storage space.
- G. Curation and Display Plan. The applicant should provide a detailed plan for the curation of artifacts to ensure their maintenance and safety and in compliance with 36 CFR 79-- Curation of Federally-Owned and Administered Archaeological Collections. The Curation Plan should ensure that the following processes are considered:
1. Curation facility and personnel – Identify the curatorial facility and the professional personnel. Curatorial facilities should have adequate space to ensure the safe storage of artifacts.
 2. Artifact storage – Archaeological specimens should be maintained so that their information values are not lost through deterioration. Storage records should be maintained to a professional archival standard.
 3. Project records – Project and curation records should be maintained in a manner conforming to standard archival method. Storage should conform to professional archival standards and should allow for accessibility of records to qualified researchers within a reasonable amount of time of having been requested.
 4. Artifact availability – Artifact collections must be accessible to qualified researchers within a reasonable amount of time of having been requested.
 5. Artifact loans – Artifacts should be available for loan to other institutions for interpretive purposes, subject to reasonable security precautions and scheduling practicalities.

6. Artifact display – Collections should be available for educational and interpretive purposes, subject to reasonable security precautions. A plan for the display exhibit area will be required if artifacts are intended for display. Exhibit information will include display case design and security, building security and temperature and humidity control. A loan agreement will be prepared between NOAA and the exhibiting institution in keeping with 36 CFR 79 (see above).

IV. Qualifications – Show evidence of the ability of each team member to perform the assigned tasks for the following personnel:

- A. Supervising Archaeologist – The Supervising Archaeologist is responsible for archaeological aspects of the project and need not serve as project manager. The applicant should submit a resume detailing the professional qualifications of the Supervising Archaeologist (including citations and examples of archaeological site reports and professional publications). In compliance with the “Secretary of Interior’s Standards and Guidelines for Archaeology and Historic Preservation” and the Archaeological Resources Protection Act the Supervising Archaeologist should fulfill the following qualifications:
 1. A graduate degree in archaeology, anthropology, maritime history equivalent training and experience;
 2. At least one year of professional experience or equivalent specialized training in archaeological research, administration or management;
 3. At least four months of supervised field and analytic experience in general North American archaeology and maritime history;
 4. Demonstrated ability to carry research to completion;
 5. At least one year of full-time professional experience at a supervisory level in the study of historic marine archaeological resources (for historic shipwreck studies) or prehistoric marine archaeological resources (for submerged prehistoric studies); and
 6. Ability to demonstrate ability in comprehensive analysis and interpretation through authorship of reports and monographs.
- B. Archaeological Assistants – Archaeological Assistants need not meet Supervising Archaeologist qualifications but will serve under the direction of the Supervising Archaeologist. The applicant should provide the name and experience of all qualified archaeological assistants who will assist the Supervising Archaeologist in site documentation and research.
- C. Artifact Conservator – The applicant should provide documentation of the Artifact Conservator’s demonstrated experience in conservation of artifacts from submerged sites. Professional experience should include experience in the conservation of ferrous and non-ferrous metals, ceramics, glass and organic materials.

V. Environmental Consequences – The applicant should provide an analysis of the extent and nature of potential environmental impacts on sanctuary resources from permitted activity. If

impact to natural resources is proposed, the applicant should provide a Site Restoration and Remediation Plan to address any injury or impacts resulting from the project.

VI. Supporting Documentation and Special Concerns

- A. Financial Support. Provide contract number, performance period, and name of sponsoring entity, if any. If none, provide sufficient data to substantiate the fiscal capability to complete the phases of work proposed to be permitted. If artifact recovery is proposed, financial data must address the resources necessary for the conservation, curation and interpretation of the resulting archaeological collection.
- B. Coordination with Research in Progress or Proposed. The NMSP encourages coordination and cost-sharing with other investigators to enhance scientific capabilities and avoid unnecessary duplication of efforts, where applicable.
- C. Letters of Intent. Applicant should provide letters of intent to participate in this project from the Supervising Archaeologist and Conservator.
- D. References. Provide bibliographic references for any citations made in text.

VII. Archeological Research Report and FKNMS Research/Recovery Permit Report

Guidelines – If a permit is issued, the permittee will be required to submit certain reports or other records to document permitted activities. This section describes the various report types that will likely be required.

- A. Seasonal Reports. The permittee will provide a Seasonal Report within sixty (60) days of the conclusion of each dive season for the duration of the permit. With this report, the applicant should also submit copies of pertinent photographs, video, maps, artifact logs, and field logs. The Seasonal Report should include:
 - 1. A summary of the season's activities;
 - 2. A discussion of any problems encountered that may require a revision of the permit;
 - 3. Plans for the next field season based on permittee's assessment of the preceding season's work.
- B. Final Report. The permittee will provide a Final Report on the activities and results of the project. The Final Report must be reviewed by the Supervising Archaeologist and signed and dated with his/her comments. The Final Report must be submitted within one (1) year of the completion of field work and artifact conservation. The bound Final Report must include:
 - 1. Site Description – a description of the study area;
 - 2. Site History – a contextual history relating the site to the general history of the region;
 - 3. Research Design – the original project design and research goals for the project;
 - 4. Field Work Description – a description of the field activities including a summary of the survey and/or excavation process;
 - 5. Field Observations – all observations of notable occurrences, patterns, etc.;

6. Data Analysis – full analysis and results of recovered data and artifacts to also include:
7. Maps – The permittee should supply the following maps:
 - a. An overall map showing site in relation to submerged features and nearest land mass (e.g., NOAA chart);
 - b. A pre-excavation plan view (overhead) map showing significant or readily observable exposed artifacts and site features;
 - c. An overall plan-view site map showing all excavated hull structure;
 - d. Detailed feature maps for each significant feature to include location of artifacts removed from site. Artifact locations will include the artifact Field Catalogue Number. If numerous artifacts are retrieved from a specific area they may be listed in table form and keyed to the map location by an index number. They will relate the artifact positions to features in the overall site map. The feature maps will include 3 different perspectives, including overhead or plan view, side/profile view, and (if practicable) frontal/sectional view;
 - e. All maps should show a grid or grid ticks on the outer border of the map in Loran C, longitude and latitude, or other recognized coordinate system. Smaller-scale maps should have grids with X-Y coordinates related to datum on overall site map. Maps should include a bar scale, North arrow, and title block which identifies the map. The title block should include the permit number, permittee's name, and year of the permit.
8. Project Assessment – The Final Report should include a discussion of the applicant's perceived success of the project and recommendations for updating historical contexts and planning goals.

C. Conservation Report. The Conservation Report should include an account of all work done on artifacts. Note work done on different materials and/or classes of artifacts, work on significant (e.g., unique or fragile) artifacts, and work on composite-type artifacts composed of two or more materials (e.g., wood and iron). The report of the conservation of artifacts should include appendices containing:

1. An artifact list;
2. Copies of the conservation lab records; and
3. Before and after photographs of artifacts at the conservation lab.

VIII. Survey Reporting Guidelines – This section will assist anyone conducting remote sensing surveys of archaeological resources in preparing reports and in submitting the relevant information to the NMSP. This section will also assist in preparing the necessary reports for survey/inventory in FKNMS. For FKNMS, the report and map are necessary before a subsequent Research/Recovery permit can be issued.

A. Survey/Inventory Report. The survey/inventory report should include:

1. Introduction – The introduction should include the dates of the survey; the general region and the parameters of the survey area in latitude and longitude; the number of days spent conducting remote sensing survey; the number of days diving to

identify anomalies; the names of people involved with the operation their capacity; and a brief statement outlining the highlights and results of the work.

2. Equipment - Describe any equipment used for navigation and horizontal positioning as well as magnetometer and other types of remote sensing.
3. Equipment use - Explain how equipment was used, calibrated and configured for navigation and horizontal positioning as well as magnetometer and other remote sensing equipment.
4. Recording of survey information – Explain how and when position fixes were recorded, how the magnetometer (and other remote sensing equipment) correlated to the horizontal position data, and how far apart the parallel passes were and in what direction(s) the survey vessel was navigated (recommended spacing is 150 feet or less).
5. Completion of work - Summarize the work completed. Describe how much work was accomplished and how much is left to accomplish to complete the remote sensing phase of your survey work.
6. Summary statement - Provide a general statement about what you found and how these findings shape your future plans. Discuss and interpret the anomaly patterns. What parts of the anomaly patterns appear to be significant and what parts do not? Are there any significant clusters? Were any anomalies identified? If suspected archaeological remains were found, provide a detailed description including:
 - a. The nature of remains (i.e., ship structural features, ballast, and artifacts);
 - b. The probable approximate date of site, explaining why you think so;
 - c. The distribution and extent of remains;
 - d. The integrity of the remains (i.e., does site appear to be disturbed and, if so, recently?); and
 - e. The natural environment in the vicinity of the wreck.
7. Report appendices – The report should include the following appendices:
 - a. Include as a first appendix a list that assigns each anomaly a unique designation. This index serves as a cross-reference so anomalies identified in the report can be correlated to their plotted positions on the base map. This appendix should include the anomaly identification designation, its location (e.g., Loran-C coordinates, or Latitude and Longitude in degrees, minutes, and decimal minutes), and gamma intensity.
 - b. Include as a second appendix examples of a dozen or so magnetometer chart sections showing some of the anomalies encountered in your contract area (label each example strip chart section with its corresponding designation as assigned in above).

B. Survey/Inventory Map. The maps submitted following a survey/inventory should include the following:

1. Encompass a large enough area to include all of your contract and show the contract boundaries. The map(s) should also depict the location of the shoreline and other prominent features such as buried cable, rock outcrops, islands, etc.

2. Show a grid or grid ticks on the outer border of the map in Loran C, longitude and latitude, or other recognized coordinate system including the system used in the anomaly table in the first appendix.
3. Use a bar scale, north arrow, and title block which identifies the map. The title block should include the contract number, contractor's name, and year of the contract.
4. Depict your work progress on the base map.
5. Show the distance and direction of each survey pass made by the survey vessel.
6. Identify each anomaly with a unique indexed number or letter that is to correspond with the appendix listing all anomalies and with all other references to anomalies in the report.
7. If the survey included limited test excavations and/or limited removal of artifacts or other materials to identify anomalies, please include the following information:
 - a. A summary of the excavation process including equipment used; number, type and provenience of recovered artifacts; and method of recovery and on-site storage of artifacts.
 - b. A summary of the conservation process including information on the conservation facility and chief conservator; and a description of the conservation process including appendices containing artifact lists, lab conservation records, before and after conservation photographs of artifacts.
 - c. A description of post-conservation artifact storage consistent with 36 CFR Part 79.
 - d. A plan-view map of the excavation or recovery area that includes significant bottom features; at least two datum reference points; significant historical features; and location of recovered material.